

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SCOTT D. MCCLURG, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:12-CV-00361-AGF
)	
MALLINCKRODT, INC., et al.,)	Lead Case
)	
Defendants.)	

ORDER

Following the status conference held on May 2, 2017, and for the reasons discussed at the status conference,

IT IS HEREBY ORDERED that Plaintiffs' response to Defendants' motion to dismiss for failure to substitute proper parties (ECF No. 547) shall be due no later than **May 15, 2017**. Any reply shall be filed no later than **May 17, 2017**.

IT IS FURTHER ORDERED that the parties shall confer in good faith and, no later than **May 9, 2017**, file a revised proposed Case Management Order No. 8, which may extend the current schedule by no more than five to six months and which should include a proposed date by which the parties will provide ex parte submissions regarding the selection of the first Bellwether Plaintiff for trial. The parties are also directed to confer regarding dates by which documents or other information will be provided prior to depositions, so as to ensure the parties' ability to meet the deadlines in the CMO.

IT IS FURTHER ORDERED that the parties shall promptly file any appropriate

motions to consolidate the newly-filed cases referenced in their joint status report (ECF No. 550) and are reminded that, after consolidation, all future filings other than pleadings as defined in Rule 7(a) of the Federal Rules of Civil Procedure, should be made in this case, Case No. 4:12-CV-00361-AGF, which is designated as the “Lead Case,” and should only reference the case number of the Lead Case.

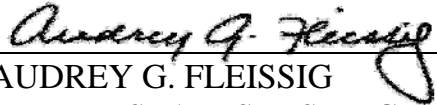
IT IS FURTHER ORDERED that, unless the parties agree to and advise the Court of a more efficient briefing schedule, opposition briefs to Defendant Cotter Corporation’s motion to dismiss Plaintiff Robert Metz’s complaint, filed in member case No. 4:17-cv-00968-AGF (ECF No. 12), and Plaintiffs’ motion for relief from the requirement to produce preliminary expert reports filed in this Lead Case (ECF No. 555) shall be due no later than **May 16, 2017**. Any replies shall be due no later than **May 26, 2017**.

IT IS FURTHER ORDERED that as more fully discussed at the status conference, with respect to records of Plaintiffs not addressed in the Court’s December 9, 2016 Memorandum and Order granting in part Defendants’ motion for a protective order (ECF No. 467), Plaintiffs shall continue to comply with their obligation to produce records in their possession and shall pay 25% of the costs incurred in collecting and maintaining additional records of Plaintiffs through third-party vendor the Marker Group, in exchange for full access to all records collected and maintained in the Marker Group’s portal, subject to reconsideration if the parties demonstrate this allocation is unreasonable or that an offset or credit is appropriate for records already collected and produced by Plaintiffs. The parties shall work in good faith to avoid duplication of record collection

efforts, including by allowing Plaintiffs to order records through the Marker Group subject to the allocation of costs discussed above.

IT IS FURTHER ORDERED that the next status conference shall take place on **Monday, July 10, 2017 at 10:00 a.m.** Lead counsel for each party shall appear in person, but any other counsel wishing to appear by telephone may do so if counsel notifies the office of the undersigned of his or her intent to do so at least twenty-four (24) hours in advance of the scheduled conference.

No later than **July 3, 2017**, lead counsel shall file a joint status report setting out the topics that the parties wish to address during the conference.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of May, 2017.